

11-11-91

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY OF THE STATE OF ARIZONA

In the Matter of: )

JAMES SKINNER, D.O. )

Holder of License No. 1643 )  
For the Practice of )  
Osteopathic Medicine in the )  
State of Arizona )

No. )

CONSENT TO ENTRY OF ORDER  
AND FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

Copy

A complaint charging JAMES SKINNER, D.O., Holder of License No. 1643 for the practice of Osteopathic Medicine and Surgery in the State of Arizona with unprofessional conduct as provided in A.R.S. § 32-1854 having been received by the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board"); and JAMES SKINNER, D.O., having expressed a desire to execute a Consent to Entry of Order ("Order") pursuant to A.R.S. § 41-1061(D) in lieu of participating in a public hearing concerning the allegations contained in the complaint;

THEREFORE, in lieu of further proceedings and as a final disposition of this matter:

(1) JAMES SKINNER, D.O. admits that the Findings of Fact and Conclusions of Law set forth are true and accurate.

(2) JAMES SKINNER, D.O. admits that the conduct described in this Order is unprofessional conduct as provided by A.R.S. § 32-1854.

1           (3) JAMES SKINNER, D.O. acknowledges that the record  
2 prepared in this matter, all investigative material prepared and  
3 received by the Board concerning the allegations, and all  
4 related exhibits and materials may be retained in the Board's  
5 file pertaining to this matter.

6           (4) JAMES SKINNER, D.O. understands that pursuant to  
7 A.R.S. § 32-1855, he has the right to a public hearing  
8 concerning each allegation set forth in the above captioned  
9 matter at which JAMES SKINNER, D.O. could present evidence and  
10 cross-examine witnesses. JAMES SKINNER, D.O. waives his right  
11 to such hearing.

12           (5) JAMES SKINNER, D.O. waives any right to rehearing  
13 or review or to judicial review of the Findings of Fact,  
14 Conclusions of Law or Order.

15           (6) JAMES SKINNER, D.O. acknowledges that based upon  
16 the Findings of Fact and Conclusions of Law, coupled with his  
17 admission thereto, and pursuant to A.R.S. § 32-1855, the Board  
18 is authorized to take formal disciplinary action against his  
19 license to practice osteopathic medicine and surgery.

20           (7) JAMES SKINNER, D.O. understands that he has the  
21 right to consult with an attorney prior to signing this Consent  
22 to Entry of Order.

23           (8) JAMES SKINNER, D.O. acknowledges that the Findings  
24 of Fact, Conclusions of Law and Order contained herein are  
25 conclusive evidence of unprofessional conduct which may not be  
26 disputed, denied or relitigated in any future proceeding and may

1 be used for purposes of determining sanctions in any future  
2 disciplinary matter.

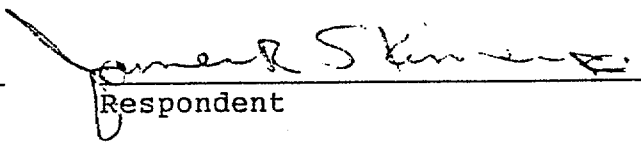
3 (9) JAMES SKINNER, D.O. hereby authorizes any  
4 attending physician, psychiatrist or psychologist to release to  
5 the Board all records pertaining to his care and treatment.

6 (10) JAMES SKINNER, D.O. acknowledges that any  
7 violation of this Order by him constitutes grounds for further  
8 disciplinary action for unprofessional conduct pursuant to  
9 A.R.S. § 32-1854(26).

10 (11) JAMES SKINNER, D.O. acknowledges that this Order  
11 will be effective only upon its acceptance by the Board.

12 DATED this 11 day of January, 1990.

13  
14  
15 \_\_\_\_\_  
16 Attorney for Respondent

  
Respondent

17 Pursuant to the foregoing Consent to Entry of Order,  
18 the evidence contained in the Board's records and files in this  
19 matter, and good cause appearing, the Board makes the following:

20 FINDINGS OF FACT

21 I

22 The Board of Osteopathic Examiners in Medicine and  
23 Surgery is the duly constituted authority for the regulation and  
24 control of osteopathic medicine and surgery in the State of  
25 Arizona.  
26

1 II

2 JAMES SKINNER, D.O. is the holder of License No. 1643  
3 for the practice of osteopathic medicine and surgery in the  
4 State of Arizona pursuant to Title 32, Chapter 17 of the Arizona  
5 Revised Statutes.

6 III

7 On or about November 9, 1987, JAMES SKINNER, D.O.  
8 avowed to the Board that he would enroll in regular Alcoholics  
9 Anonymous meetings, submit random urine samples, and appear  
10 periodically before the Board for investigative interviews.

11 IV

12 On or about April 9, 1988, a urine sample previously  
13 offered by JAMES SKINNER, D.O. indicated that JAMES SKINNER,  
14 D.O. had previously consumed alcohol. At that time, JAMES  
15 SKINNER, D.O. avowed to the Board that he would consume no drugs  
16 or alcohol and attend a physicians monitored after-care  
17 program.

18 V

19 On or about July 22, 1988, James Clubine, investigator  
20 for the Board, reported to the Board inability to locate JAMES  
21 SKINNER, D.O. for the purpose of obtaining random urine samples  
22 despite repeated attempts.

23 VI

24 On or about December 8, 1988, JAMES SKINNER, D.O.  
25 provided a urine sample to James Clubine. On or about  
26 December 14, 1988, laboratory results indicated the presence of

1 cocaine in said urine sample.

2 VII

3 On or about December 14, 1988, JAMES SKINNER, D.O.  
4 provided representatives of the Board a sample of his urine.  
5 The sample later proved positive for the presence of cocaine.

6 VIII

7 On or about December 14, 1988, JAMES SKINNER, D.O.  
8 admitted to Don Damstra, M.D. that he had previously used  
9 cocaine.

10 IX

11 On or about July 21, 1989, JAMES SKINNER, D.O. avowed  
12 to the Board that he would refrain from the use of illicit drugs  
13 and alcoholic beverages, attend at least five "Twelve-Step"  
14 meetings per week, and submit to random urine samples.

15 X

16 On or about November 14, 1990, laboratory analysis  
17 revealed the presence in a sample of urine recently collected  
18 from JAMES SKINNER, D.O. of ethanol.

19 CONCLUSIONS OF LAW

20 XI

21 The Board of Osteopathic Examiners in Medicine and  
22 Surgery of the State of Arizona possesses jurisdiction over the  
23 subject matter hereof and over JAMES SKINNER, D.O.

24 XII

25 The conduct described in paragraphs III through X  
26 herein constitutes unprofessional conduct as defined in A.R.S.

1 § 32-1854(5): Prescribing, dispensing or administering  
2 controlled substances or prescription-only drugs for other than  
3 accepted therapeutic purposes.

4 XIII

5 The conduct described in paragraphs III through X  
6 herein constitutes unprofessional conduct as defined in A.R.S.

7 § 32-1854(19): Any conduct or practice contrary to recognized  
8 standards of ethics of the osteopathic medical profession or any  
9 conduct or practice which does or might constitute a danger to  
10 the health, welfare or safety of the patient or the public or  
11 any conduct, practice or condition which does or might impair  
12 the ability safely and skillfully to practice medicine.

13 XIV

14 The conduct described in paragraphs III through X  
15 herein constitutes unprofessional conduct as defined in A.R.S.

16 § 32-1854(22): Use of controlled substances or  
17 prescription-only drugs.

18 ORDER 1-11-91

19 IT IS HEREBY ORDERED that JAMES SKINNER, D.O. be placed  
20 on probation for a period of three years, commencing from the  
21 date of this Order. The terms of probation are as follows:

22 (1) JAMES SKINNER, D.O. shall submit to random  
23 urinalysis testing administered by the Board. Samples of  
24 biological fluids of JAMES SKINNER, D.O. will be collected by an  
25 agent of the Board at times which are within the sole discretion  
26 of the Board. All costs associated with the collection and

1 analysis of such fluids shall be borne by JAMES SKINNER, D.O.

2 (2) JAMES SKINNER, D.O. shall use no controlled  
3 substance or prescription-only medication unless prescribed by  
4 his attending physician. JAMES SKINNER, D.O. shall notify the  
5 Board in writing of any substance or medication prescribed him  
6 by a physician within twenty-four hours after such prescription  
7 is ordered by the attending physician, and at all times shall  
8 refrain from the consumption of alcohol.

9 (3) JAMES SKINNER, D.O. shall meet regularly with the  
10 Board as ordered by the Board in its discretion to review his  
11 compliance with the terms of this Order.

12 (4) JAMES SKINNER, D.O. shall authorize any attending  
13 physician, psychiatrist or psychologist to release to the Board  
14 all records pertaining to his care and treatment.

15 (5) JAMES SKINNER, D.O. shall immediately enroll in  
16 the monitored physicians after-care program.

17 (6) JAMES SKINNER, D.O. shall attend no fewer than five  
18 Alcoholics Anonymous meetings per week. No fewer than one of  
19 these meetings per week shall take place with the Caduceus Club.

20 (7) JAMES SKINNER, D.O. shall bear any and all costs  
21 associated with his compliance of the terms of this order.

22 DATED this 11<sup>th</sup> day of January, 1991.

23 ARIZONA STATE BOARD OF OSTEOPATHIC  
24 EXAMINERS IN MEDICINE AND SURGERY

25 [S E A L]

26 BY William C. Harker

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